

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:21 CR 539 RWS
)	
MICHAEL MCCORMAC,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER


This matter is before me on defendant Michael McCormac's request for appointed counsel to represent him on appeal under the Criminal Justice Act. ECF 165. Defendant appealed my October 16, 2024 Memorandum and Order denying his motion to limit or modify the United States's applications for writ of garnishment. ECF 140. Defendant has now sought appointment of counsel under the CJA from the Eighth Circuit Court of Appeals, which directed defendant to first seek appointment of counsel from me. Plaintiff opposes the request. ECF 166. Because defendant has no right to appointed counsel to represent him in this matter, I will deny the request.

The government's efforts to collect restitution through garnishment proceedings do not place defendant's liberty at stake. Post-conviction collection activity to recover a criminal monetary judgment is essentially civil in nature. *See*

United States v. Behrens, 656 Fed. Appx. 789 (8th Cir. 2016) (citing *United States v. Cohan*, 798 F.3d 84, 89 (2d Cir. 2015) (“A writ of garnishment seeks to enforce an already existing order of restitution. It is not part of defendant's criminal sentencing because it does not implicate the imposition of restitution. Collecting the restitution owed is decidedly civil in nature. The Government may enforce restitution orders arising from criminal convictions using the practices and procedures for the enforcement of a civil judgment under federal or state law as set forth in the Federal Debt Collection Procedures Act.”) (cleaned up). Defendant is not entitled to counsel on this collection issue, and his request for CJA counsel is accordingly denied. *See, United States v. Collins*, 4:17 CR 118 RLW, ECF 96 (E.D. Mo. April 27, 2021); *United States v. Moon*, 1:17 CR 5 AGF, ECF 92 (E.D. Mo. May 6, 2021).

Accordingly,

IT IS HEREBY ORDERED that defendant's request for appointment of CJA counsel [165] is denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 26th day of March, 2025.